

**REMARKS**

Claims 53 - 65 and 164 - 176 have been previously withdrawn. Claims 1 - 52 and 66 - 163 are currently pending in the present application. In view of the following remarks, it is respectfully submitted that these claims are in condition for allowance. In addition, Applicants would like to thank the Examiner for the finding of allowable subject matter in claims 1 - 52, 66 - 88, 101 - 103, 127 - 129 and 148 - 150.

Claims 89 - 100, 104 - 126, 130 - 147 and 151 - 163 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,190,544 to Chapman ("Chapman") in view of U.S. Patent No. 5,709,686 to Talos et al. ("Talos") and U.S. Patent No. 5,085,660 to Lin ("Lin").  
*2/2/10 Office Action*, p. 2.

Claim 89 recites a bone plate "having a longitudinal axis" and comprising "an upper surface" and "a lower surface" along with "at least one first type of hole, the first type of hole being elongated and extending through the upper and lower surfaces, and having a central axis a longitudinal axis, *wherein the first type of hole is at least partially threaded and the threaded portion of the hole tapers inward with respect to the central axis*" and "at least a second type of hole extending through the upper and lower surfaces, the second type of hole including an internal thread configured and dimensioned for engaging a threaded portion of a screw head.

As acknowledged by the Examiner, Chapman does not show or suggest a first type of hole including a partially threaded portion that tapers inward with respect to a central axis.  
*2/2/10 Office Action*, p. 3. The Examiner cites Talos to cure this deficiency. *Id.* It is respectfully submitted, however, that Talos discloses a hole including a threaded portion that does not taper inward toward a central axis thereof. Rather, the threaded portion is substantially cylindrical, maintaining a constant distance from the central portion.

Specifically, Talos describes a bone plate including a hole 2 that is adapted and configured to receive diverse types of bone screws 6, 7. *Talos*, col. 2, ll. 27 - 29. The hole 2 is elongated along a longitudinal axis 1 of the plate. *Id.* at col. 2, ll. 30 - 34. The hole 2 includes a lower part of the hole 2 facing a bone application surface 4 that is approximately circular in the direction transverse to the plate and flares conically in a direction along the longitudinal axis 1. *Id.* at col. 2, ll. 35 - 39. The circular segment of the hole 2 includes a thread 3, which only runs in the lateral part of the plate. *Id.* at col. 2, ll. 40 - 44. This partial inside thread 3 receives a bone screw 6 with a threaded head 9. *Id.* at col. 2, ll. 45 - 46. It is respectfully submitted that Talos does not describe anywhere in the specification that the threaded portion 3 tapers inward toward a central axis of the hole 2. As Talos specifically describes the conically outward flaring portion of the hole 2, it is respectfully submitted that Talos would have also described an inward tapering if a tapering of the threaded portion 3 was at all intended or desired.

The Examiner points to Fig. 1 to show that the threaded portion 3 tapers. *2/2/10 Office Action*, p. 3. However, it is respectfully submitted that the bone plate shown in Fig. 1 does not show a tapering of the threaded portion 3. As shown in Fig. 7, a lateral cross-sectional view of the bone plate of Fig. 1, the threaded portion 3 does not taper, but rather, remains substantially equidistant relative to the central axis such that the threaded portion 3 is formed by a partially cylindrical shape. Indeed, as further shown in Fig. 5, the threaded portion 3 engages the threaded head 9 of the bone screw 6, which is also shown to be substantially cylindrical. Thus, it is respectfully submitted that the threaded portion of the hole 2 does not taper with respect to a central axis of the hole 2.

It is also respectfully submitted that Lin does not cure the above-discussed deficiency of Chapman in view of Talos. In particular, Lin does not show or suggest any elongated holes including a threaded portion that tapers inward with respect to a central axis thereof.

Accordingly, it is respectfully submitted that neither Chapman, Talos nor Lin, either

alone or in combination, show or suggest “*wherein the first type of hole is at least partially threaded and the threaded portion of the hole tapers inward with respect to the central axis,*” as recited in claim 89. Thus, it is respectfully submitted that claim 89 is not rendered obvious by Chapman in view of Talos and Lin and that the rejection of this claim should be withdrawn. Because claims 90 - 100 and 104 - 114 depend from and include all of the limitations of claim 89, it is respectfully submitted that these claims are also allowable.

Similarly, claim 115 recites a bone plate having a longitudinal axis and comprising “an upper surface” and “a lower surface” along with “at least one first type of hole, the first type of hole being elongated and extending through the upper and lower surfaces, and having a central axis and a longitudinal axis, *wherein the first type of hole is at least partially threaded and the threaded portion of the hole tapers inward with respect to the central axis*” and “at least a second type of hole extending through the upper and lower surfaces, wherein the second type of hole is substantially non-threaded.”

For at least the same reasons as discussed above in regard to claim 89, it is respectfully submitted that claim 115 is not rendered obvious by Chapman in view of Talos and Lin, and that the rejection of this claim should be withdrawn. Because claims 116 - 126 and 130 - 140 depend from and include all of the limitations of claim 115, it is respectfully submitted that these claims are also allowable.

Claim 141 recites a bone plate having a longitudinal axis and comprising “an upper surface” and “a lower surface” along with “at least one first type of hole extending through the upper and lower surfaces, and having a first central axis and being elongated in a direction substantially aligned with the longitudinal axis, wherein the first type of hole is non-threaded and has an outer perimeter, at least a portion of the outer perimeter tapering inward from the upper surface to the lower surface to form at least one ramp surface for engagement with a first screw head” and “at least a second type of elongated hole extending through the upper and lower

surfaces, the second type of hole having a second central axis and a longitudinal axis, *wherein the hole is at least partially threaded and the threaded portion of the hole tapers inward with respect to the second central axis.*"

For at least the same reasons as discussed above in regard to claim 115, it is respectfully submitted that claim 141 is not rendered obvious by Chapman in view of Talos and Lin, and that the rejection of this claim should be withdrawn. Because claims 142 - 147 and 151 - 163 depend from and include all of the limitations of claim 141, it is respectfully submitted that these claims are also allowable.

In light of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated:

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